

**REGULAR MEETING**  
**AGENDA**

Wednesday, April 14, 2004     7:45 P.M.  
Public Meeting Room 206  
Darien Town Hall, 2 Renshaw Road  
Darien, Connecticut

**APPROVAL OF MINUTES**

1. **Minutes of decisions from March 31, 2004** (seated ZBA members for these decisions were Ramsay Bell, Dick Sanford, Vic Capellupo, Al Tibbetts, and Peter Thoren):
  - a. 13-2004, the application of Patterson Bigosinski Architects on behalf of Whitman Foods LLC d/b/a Uncle's Deli, 1041 Boston Post Road.
  - b. 16-2004, the application of William W. Seymour on behalf of Kevin & Madeline Treesh, 9 Old Oak Road.
  - c. 18-2004, the application of Allen & Juliana Wainer, 31 Ridgely Street.
  - d. 19-2004, the application of Michael & Colleen T. Lynch, 8 Rebel Lane.

**CONTINUATION OF PUBLIC HEARING**

Opened on January 21, 2004 and continued to tonight, April 14, 2004. Since no testimony, comment, or additional information was provided to the ZBA on January 21<sup>st</sup>, the seated ZBA members for this request are those present tonight. **The applicant has previously provided an extension allowing the ZBA to continue this hearing until tonight, April 14, 2004.** This hearing must be completed by April 30, 2004 (within 100 days, including extensions, after its January 21<sup>st</sup> opening). However, the next scheduled regular ZBA meeting is May

19, 2004. Therefore, if the ZBA determines to conduct this hearing tonight, and then continue it further, a special meeting must be scheduled by April 30<sup>th</sup> when all of you can attend, and another written applicant extension must be provided. However, it has recently been learned that the property owner has not provided written authorization for the applicant to make this application. **The applicant has been advised to provide written owner authorization in order for this Public Hearing to proceed.**

#### CALENDAR NO. 4-2004

The application of Gleason Hill & Ambrette, LLC on behalf of Richard D. Sanford and Russell H. Sanford, and Commerce Bank filed on December 23, 2003 for variations of Sections 615, 616, 904, 906, 923, and 943 of the Darien Zoning Regulations to allow the construction of a one story bank building with off street parking and signage. Section 615.7: 21.0 in lieu of 25.0 feet minimum required rear yard setback for the building; Section 615.11: 2.0 in lieu of 20.0 feet minimum required front landscape depth; Section 615b: 2.0 in lieu of 75.0 feet minimum required front yard setback for parking; Section 616b: parking between the street line and the front of the building; Section 904: 30 in lieu of 37 minimum required parking spaces; Section 906.6: 0.0 in lieu of 20.0 feet minimum required front yard setback and 5.0 in lieu of 10.0 feet minimum required rear yard setback for parking; Section 923.1: to permit a wall sign with 27.5 in lieu of 24.0 maximum square feet, and 60 in lieu of 10" maximum figure (logo) height; Section 923.2: to permit a monument sign in lieu of a hanging sign with 38.4 in lieu of 6.0 maximum square feet, 8 in lieu of 6" maximum letter height, and 18 in lieu of 6" maximum figure (logo) height; Section: 923.4: to permit internally illuminated signs; and Section 943: 0 in lieu of 20.0 feet minimum required front landscape area. The property is situated on the southeast side of Boston Post Road approximately 510 feet west of the intersection of Boston Post Road and Brookside Road and is shown on Tax Assessor's Map #16 as Lots #101 and 103 being 714-728 Boston Post Road and located in a DB-1 (commercial) Zone.

## **PUBLIC HEARINGS**

### CALENDAR NO. 14-2004

**This Public Hearing must be opened by April 23, 2004** (within 65 days after its February 18, 2004 Receipt Date). The ZBA may open this hearing tonight (April 14, 2004) and continue it for 35 days if necessary. Or the applicant may provide extensions.

The application of John Denson, Jr. filed on February 18, 2004 for variations of Section 406 of the Darien Zoning Regulations to allow the construction of a rear deck. Section 406: 11.9 in lieu of 25.0 feet minimum required rear yard setback and 16.1 in lieu of 25.0 feet minimum required total of two side yards setback. The property is situated on the east side of Fitch Avenue approximately 385 feet north of the intersection of Fitch Avenue and Boston Post Road and is shown on Tax Assessor's Map #41 as Lot #135, being 84 Fitch Avenue and located in an R-1/3 (residential) Zone.

### CALENDAR NO. 21-2004

**This Public Hearing must be opened by April 23, 2004** (within 65 days after its February 18, 2004 Receipt Date). The ZBA may open this hearing tonight (April 14, 2004) and continue it for 35 days if necessary.

The application of Nancy C. Wilson on behalf of Sylvia Callari dba BMW of Darien filed on February 18, 2004 for variations of Sections 923.1, 925.1, and 926.1 of the Darien Zoning Regulations to allow the installation of a replacement wall sign and a replacement ground sign. Section 923.1: 15 ¾" in lieu of 10" maximum allowable height of wall sign figure (logo); Section 925.1: 39 ¼" in lieu of 4" maximum allowable height of ground sign figure (logo); 20" in lieu of 4" maximum allowable height of wall sign letters (BMW); and Section 926.1: to allow the replacement wall sign to be internally illuminated. The property is situated on the north side of Ledge Road approximately 600 feet west of the intersection of Boston Post Road and Ledge Road and is shown on Tax Assessor's Map #39 as Lot #21E, being 138 Ledge Road and located in an SB (commercial) Zone.

CALENDAR NO. 22-2004

The application of Gleason, Hill & Ambrette, LLC on behalf of Robin and Janet Mills filed on March 17, 2004 for an appeal under Section 1122 of the Darien Zoning Regulations of the order, requirement, decision, and/or determination of the Zoning Enforcement Officer. Section 1122: an interpretation that under Connecticut General Statute § (Section) 8-26a, the current Zoning Regulations do apply to the subject property of Denis & Jennifer Manelski at 11 Pratt Island. The property is situated on the south side of Pratt Island approximately 1,150 feet southeast of the intersection of Nearwater Lane and Baywater Drive and is shown on Tax Assessor's Map #55 as Lots #121 and 122, being 11 Pratt Island and located in an R-1 (residential) Zone.

CALENDAR NO. 24-2004

The application of Anthony Totilo, Architect on behalf of Richard & Beverly Kelsey filed on March 17, 2004 for a variation of Section 406 of the Darien Zoning Regulations to allow the reconstruction of an existing basement sitting room and the construction of a first floor screened porch addition. Section 406: 19.0 in lieu of 25.0 feet minimum required rear yard setback. The property is situated on the north side of Partridge Lane approximately 550 feet northeast of the intersection of Leroy Avenue and Partridge Lane and is shown on Tax Assessor's Map #17 as Lot #56, being 14 Partridge Lane and located in an R-1/2 (residential) Zone.

CALENDAR NO. 25-2004

The application of Russell C. Joffe on behalf of Stony Hill Properties LLC filed on March 17, 2004 for variations of Section 406 of the Darien Zoning Regulations to allow the construction of raised roof, second story, and one story additions. Section 406: 3.0 in lieu of 40.0 feet minimum required front yard setback for raising the roof of an existing one story segment of the structure; 36.1 in lieu of 40.0 feet minimum required front yard setback for raising the roof of an existing second story segment of the structure; 13.1 in lieu of 40.0 feet minimum required front yard setback for a second floor dormer; and 35.8 in lieu of 40.0 feet minimum required front yard setback for a one story covered landing. The property is situated on the west side of Hollow Tree Ridge Road at the northwest corner formed by the intersection of Greenleaf Avenue and Hollow Tree Ridge Road and is shown on Tax Assessor's Map #28 as Lot #10, being 327 Hollow Tree Ridge Road and located in an R-1 (residential) Zone.

CALENDAR NO. 27-2004

The application of D. Joshua Voorhees on behalf of John S. and Kerry Lynn McCoy filed on March 17, 2004 for a variation of Section 406 of the Darien Zoning Regulations to allow the construction of two attic floor dormers. Section 406: 32.5 in lieu of 30.0 feet maximum allowable building height. The property is situated on the north side of Shields Road approximately 900 feet southeast of the intersection of Shields Road and Middlesex Road and is shown on Tax Assessor's Map #20 as Lot #43N, being 28 Shields Road and located in an R-1 (residential) Zone.

CALENDAR NO. 28-2004

The application of David & Anne Campbell filed on March 17, 2004 for a variation of Section 825 and for a determination under Section 813 of the Darien Zoning Regulations that the proposed construction is exempt from Coastal Site Plan Review to allow the construction of one story additions. Section 825: construction of additional living space at 10.7 in lieu of 13.0 feet minimum required floor elevation. The property is situated on the south side of Shipway Road approximately 500 feet east of the intersection of Shipway Road and Plymouth Road and is shown on Tax Assessor's Map #55 as Lot #127, being 27 Shipway Road and located in an R-1 (residential) Zone.

**GENERAL MEETING**

1. Discussion, deliberation and possible decisions for Public Hearing request items listed above.
2. Requested brief extension (received March 30, 2004) to obtain all required permits and begin on-site construction for ZBA Calendar No. 17-2003, Scott & Charlotte Sabbagh, 54 Noroton Avenue. Initial ZBA approval would have expired on October 10, 2003. However, on October 15, 2003 the ZBA granted a six month extension to April 10, 2004.
3. Requested amendment to the approved plans of Calendar No. 24-2003, Howard A. Patterson on behalf of Tom and Marilyn Stephens, 32 Sunset Road.

4. Requested amendment to the approved plans of Calendar No. 72-2003, Fred & Jane Schweizer, 6 Berry Lane.
5. General discussion of Application Materials.
6. Any other business (requires 2/3 vote of members present and voting).